

Amendment
Serial No. 09/894,060

Docket No. US 010306

REMARKS

Entry of this Amendment, reconsideration and withdrawal of all grounds of rejection, and allowance of the pending claims are respectfully requested in light of the amendments made to the claims and the remarks made herein.

Claims 1-20 are pending and stand rejected. Claims 1, 9, 11 and 16 have been amended. No new matter has been added. Claim 10 has been cancelled.

Claims 1-20 stand rejected under 35 USC 102(b) as being anticipated by USP No. 5,808,662 to Kinney.

Applicant respectfully disagrees with, and explicitly traverses, the examiner's reason for rejecting the claims. However, in the interest of advancing the prosecution of this matter, applicant has elected to amend independent claims 1, 11 and 16 to more clearly state the invention. More specifically, the independent claims have been amended to recite the transmission of "a system status signal from the first personal video recorder to the at least one second personal video recorder, said status signal being transmitted after each command or after a predetermined time." No new matter has been added. Support for the amendment may be found in cancelled claim 10 and on page 5, lines 2-10.

Kinney, as read by applicant, teaches a system and method for synchronized playback and control of a time-based digital media. The system and method allows two participants operating on different playback systems at different location to simultaneously view and control the playing of the digital media. Kinney discloses that "the movie data is played in a synchronized manner at each of the playback systems in accordance with the playback control data. (see col. 2, lines 22-25). Kinney further recites that "[a] seek event is sent by the participant initiating the event so that all movies at remote playback systems are synchronized." (see col. 7, lines 34-36). Kinney fails to disclose any other synchronization means.

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A claim is anticipated only if each and every element recited therein is expressly or inherently described in a single prior art reference. Kinney cannot be said to anticipate the present invention, as recited in claim 1, for example, because Kinney fails to disclose the transmission of a status message after each command or on a predetermined basis as is recited in the claims. Rather, Kinney provides a means for synchronizing at the beginning of the playback and is silent on synchronization thereafter.

Having shown that Kinney fails to disclose each and every element claimed, applicant submits that the reason for the examiner's rejection of claim 1 has been overcome and can no longer be sustained. Applicant respectfully requests withdrawal of the rejection and allowance of the claim.

With regard to independent claims 11 and 16, these claims have been amended in a manner similar to the amendment made with regard to claim 1 and the examiner has rejected these claims citing the same reference used in rejecting claim 1. Accordingly, the applicant's remarks made in response to the examiner's rejection of claim 1 are also applicable in response to the examiner's rejection of claims 11 and 16. In view of the remarks made with regard to the rejection of claim 1, which are reasserted, as if in full, in response to the rejection of claims 11 and 16, applicant submits that the examiner's rejection of claims 11 and 16 has been overcome and can no longer be sustained. Applicant respectfully requests withdrawal of the rejection and allowance of the claims.

With regard to claims 2-9, 12-15 and 17-20, these claims ultimately depend from independent claims 1, 11 and 16, which have been shown to be allowable in view of the cited references. Accordingly, claims 2-9, 12-15 and 17-20 are also allowable by virtue of its dependence from an allowable base claim.

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For all the foregoing reasons, it is respectfully submitted that all the present claims are patentable in view of the cited references. A Notice of Allowance is respectfully requested.

Respectfully submitted,

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